

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JAMES S.,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00157

MICHELLE A. KING,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 2) entered on March 29, 2024, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Subsequently, by *Clerk's Order* (Document 7) entered on September 3, 2024, the magistrate referral was transferred to Joseph K. Reeder, United States Magistrate Judge.

On January 13, 2025, the Magistrate Judge Reeder submitted a *Proposed Findings and Recommendation* (Document 8) wherein it is recommended that the Plaintiff's request for judgment on the pleadings (Document 5) be denied; the Defendant's request for judgment on the pleadings (Document 6) be granted; the Commissioner's decision be affirmed; and this matter be dismissed and removed from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by January 30, 2025.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that district courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's request for judgment on the pleadings (Document 5) be **DENIED**; the Defendant's request for judgment on the pleadings (Document 6) be **GRANTED**; the Commissioner's decision be **AFFIRMED**; and this matter be **DISMISSED** and **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Reeder, counsel of record, and any unrepresented party.

ENTER: February 4, 2025



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA